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Joint Committee on Administrative Rules
Illinois General Assembly

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VOL. 33

July 10, 2009

Issue 28

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

PROCUREMENT

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to "Standard Procurement" (44 Ill Adm Code 1; 33 Ill Reg 3205), effective 6/25/09. Companion emergency amendments became effective 1/28/09. The amendments implement the Illinois Procurement Code and bid submission aspects of Public Act 95-971 (also known as the "pay-to-play" or ethics reform bill) that prohibits campaign contributions to executive branch constitutional officers (Governor, Lt. Governor, Attorney General, Secretary of State, Comptroller, and Treasurer) from businesses with State contracts, bids, or proposals in excess of \$50,000 in the aggregate. This \$50,000 amount is calculated on a calendar-year basis and includes pending or unsuccessful bids and proposals responsive to any solicitation posted in the *Illinois Procurement Bulletin* on or after 1/1/09. Vendors and potential vendors must keep track of the value of contracts and bids/proposals and must register with the State Board of Elections when the vendor determines the \$50,000 threshold for registration has been met. If the registration certificate is not submitted timely, the procuring agency will reject the bid/proposal. However,

the procuring agency will not reject a bid/proposal if absence of the registration certificate is the fault of the State, but will require the certificate before making an award. For contract renewals, amendments, and extensions, if the value of the transaction in combination with the original contract or aggregated with other contracts and bid/proposals exceeds \$50,000, the vendor must provide the registration certificate and make the appropriate certification if the vendor has not already done so. For indefinite-quantity or estimated-value contracts, a vendor who is not otherwise required to register must do so when the value of orders placed pursuant to such contracts plus other aggregated contracts and bid/proposals exceeds \$50,000. Any contracts mistakenly executed in violation of this rulemaking must be amended to include contract certifications, and the vendor must supply the registration certificate. If any violation is not corrected by a vendor within 5 business days after notification of the violation, the contract is voidable by the State without penalty. Contracts not required to be filed with the Comptroller will be "deemed to include the contract certification" required by the statute, and agencies may require "written confir-

(cont'd next page)

Proposed Regulations

CHILDREN'S SERVICES

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to "Placement and Visitation Services" (89 Ill Adm Code 301; 33 Ill Reg 9548) implementing provisions of Public Act 94-1010. The rulemaking requires DCFS to comply with 89 Ill Adm Code 307 (Indian Child Welfare Services) when placing an Indian child in foster care or in an adoptive home. Furthermore, children under the Department's care with emotional, behavioral, developmental, or medical needs or a combination of needs will be given specialized care when that care is required to keep them in a foster care or permanent placement setting. The rulemaking establishes criteria used to determine the child's eligibility, including a recommendation by the DCFS child and youth investment team (CAYIT). Amendments detail how assessments are used to determine the child's needs based on his or her traits and functioning (e.g., trauma experiences, cultural background, behavioral and emotional needs, risk behaviors, ability to care for himself or herself). Examples of conditions that may warrant specialized foster care include a life-threatening disease, dependency on life-saving equipment, or a history of mental illness. DCFS will assess the current or potential foster parent's ability; experience; and willingness to care for the child, support the child's visitation with his or her family and ex-

(cont'd page 4)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of *The Flinn Report* or the *Illinois Register* will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

New Regulations

mation of the rule-imposed certification at any time". Changes since 1st Notice remove time frames applicable under the companion emergency rulemaking and clarify that copies of registration records may be obtained from the procuring agency rather than the State Board of Elections. This rulemaking may affect small businesses that seek contracts with the State. (For a related rulemaking, see the State Board of Elections emergency rulemaking below.)

Questions/requests for copies: Ben Bagby, DCMS, 720 Stratton Office Bldg., Springfield IL 62706, 217/782-9669.

UNEMPLOYMENT INSURANCE

The DEPARTMENT OF EMPLOYMENT SECURITY adopted amendments to 8 Parts, all of which make technical revisions, effective 7/1/09 with the exception of amendments to Parts 2720 and 2865, which become effective 8/1/09. Amendments to "General Application" (56 Ill Adm Code 2712; 32 Ill Reg 10687), "Employment" (56 Ill Adm Code 2732; 32 Ill Reg 10716), and "Employees' General Rights and Duties" (56 Ill Adm Code 2815; 32 Ill Reg 10744) largely revise statutory citations and the Department's address and reference the Department's general handbook. Amendments for "Claims, Adjudication, Appeals and Hearings" (56 Ill Adm Code 2720; 32 Ill Reg 10693) repeal the requirement that DES issue cards to claimants and repeal the requirement that initial claimants for benefits must apply at a DES office near where the claimants reside because Internet claim applications will now be permitted. A claimant will have to file for benefits in person if there is a significant discrepancy between information provided by an internet claim filer and records contained in DES records. The use of a low earnings report form to demonstrate pay levels for partial unemployment claims is eliminated. DES will rely on employer pay stubs, pay envelopes, or vouchers that list employment information. A claimant must maintain a work record including the

names and addresses of the employing units contacted, the names of specific persons contacted, dates and methods of contact, type of work sought, and results of such contacts. Claimants will have to provide the work search record to DES upon request. Untimely appeals to a referee will be dismissed without hearing, but a party is automatically entitled to a hearing on that issue if appealed to the Board of Review. Various filing periods for making requests to the Board of Review are shortened. Amendments to "Administrative Hearings and Appeals" (56 Ill Adm Code 2725; 32 Ill Reg 10711) provide that any date recorded or marked by a delivery service (e.g., UPS) recognized by the Internal Revenue Service will be treated by DES like a United States Postal Service postmark. Also, DES will provide on interpreter at DES expense. Amendments to "Notices, Records, Reports" (56 Ill Adm Code 2760; 32 Ill Reg 10722) and "Payment of Unemployment Contributions, Interest and Penalties" (56 Ill Adm Code 2765; 32 Ill Reg 10728) permit employers of only household workers to file wage and contribution reports on an annual basis, and refunds or adjustments may be requested on-line. The Department's address is also updated and its website listed. Amendments to "Claimant's Availability for Work, Ability to Work and Active Search for Work" (56 Ill Adm Code 2865; 32 Ill Reg 10768) clarify that commuter workers who live in another State and primarily work in Illinois must register for work in Illinois, but a commuter who does not "normally" work in Illinois may be an exception to this provision. Some of the rulemakings above may impact small businesses.

Questions/requests for copies of the 8 DES rulemakings above: Gregory J. Ramel, DES, 33 S. State St., Rm. 937, Chicago IL 60603, 312/793-2333, e-mail: gregory.ramel@illinois.gov

HUNTING & TRAPPING

The DEPARTMENT OF NATURAL

RESOURCES adopted amendments to "Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting" (17 Ill Adm Code 550; 33 Ill Reg 4064); "Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping" (17 Ill Adm Code 570; 33 Ill Reg 4075); "Dove Hunting" (17 Ill Adm Code 730; 33 Ill Reg 4086); and "Crow, Woodcock, Snipe, Rail and Teal Hunting" (17 Ill Adm Code 740; 33 Ill Reg 4103), all effective 6/26/09. Part 550 sets dates for coyote season at Big Bend State Fish and Wildlife Area and changes the name of Falling Down Prairie to Rall Woods State Natural Area. Part 570 opens Frank Holten State Park, Snakeden Hollow State Fish and Wildlife Area, and South Shore State Park to trapping. Part 730 makes site-specific changes regarding dove hunting at Marshall State Fish and Wildlife Area, Ray Norbut State Fish and Wildlife Area, Tapley Woods State Natural Area, Saline County State Fish and Wildlife Area, and Sangchris Lake State Park. Part 740 makes site-specific changes at Kankakee River State Park, Tapley Woods State Natural Area, and Marshall State Fish and Wildlife Area.

Questions/requests for copies of the 4 DNR rulemakings above: William Richardson, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

NURSING SCHOLARSHIPS

The DEPARTMENT OF PUBLIC HEALTH repealed a Part titled "Baccalaureate Assistance for Registered Nurses" (77 Ill Adm Code 595; 32 Ill Reg 19449), effective 6/29/09. The law creating the program has been repealed and replaced by the Nursing Education Scholarship Law and new rules (Nursing Education Scholarships; 77 Ill Adm Code 597; 32 Ill Reg 19813) that were adopted on 12/5/08.

Questions/requests for copies: Susan Meister, DPH, 535 W. Jefferson St., 5th

New Regulations

Fl., Springfield IL 62761-0001, 217/782-2043, e-mail: dph.rules@illinois.gov

☞ WATER MAIN PROJECTS

The ENVIRONMENTAL PROTECTION AGENCY adopted amendments to "Permit Fees For Installing or Extending Water Main" (35 Ill Adm Code 690; 32 Ill Reg 19849), effective 6/25/09, reflecting two public acts. PA 87-843 added school districts to those entities exempt from permit fees charged for installing or extending water mains, while Public Act 93-32 doubled fees for installing and extending water mains. The new fees range from \$240 to \$1200 (previously \$120 to \$600) based on the length of main to be installed. Small municipalities that maintain public water systems will be affected.

Questions/requests for copies: Stefanie Diers, EPA, 1021 N. Grand Ave. E., Spfld., IL 62794-9276, 217/782-5544.

COLLEGE ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted amendments to 5 rulemakings titled "General Provisions" (23 Ill Adm Code 2700; 33 Ill Reg 2073), "Federal Family Education Loan Program" (FFELP) (23 Ill Adm Code 2720, 33 Ill Reg 2089), "Nurse Educator Scholarship Program" (23 Ill Adm Code 2759; 33 Ill Reg 2100), "State Scholar Program" (23 Ill Adm Code 2760; 33 Ill Reg 2107), and "Illinois Future Teacher Corps (IFTC)" (23 Ill Adm Code 2764; 33 Ill Reg 2115), all effective 7/1/09. Amendments to Parts 2700 and 2764 add the Golden Apple Scholars of Illinois to a list of scholarship programs for prospective teachers. The Golden Apple Program is run by a private, not-for-profit foundation. At least 200 IFTC scholarship awards annually will be allotted to participants in the Golden Apple Scholars Program, with all subsequent IFTC awards given to applicants who are not golden apple scholars. The Part 2764 amendments also exempt golden apple scholars from some of the re-

quirements of other programs contained in the Part (e.g., promissory notes and repayment agreements) and exclude them from receiving other financial assistance under the Part. Part 2720 amendments modify procedures for the lender-of-last resort program and state that ISAC will either issue a guarantee for a loan or notify the applicant that he or she does not meet the eligibility requirements within 60 days. ISAC also clarifies that an applicant must be an Illinois resident, attend an eligible Illinois institution, or be the parent of such a student to use the FFELP program. Part 2760 allows the Prairie State Achievement Examination (PSAE) composite score to be used as the Illinois Standard Test Score in lieu of the ACT score in the determination of State scholars. ISAC also removes a test score table from rule text and instead proposes the use of the SAT-ACT Concordance (Critical Reading and Math Score Range) table available on the ACT website. Each State scholar enrolled at least part-time at an Illinois institution will be eligible to receive a one-time grant of \$1,000 for tuition and mandatory fees if adequate funds are available. Students awarded a Merit Recognition Scholarship are not eligible for this scholarship. Also, a new section outlines institutional procedures to be used in awarding the scholarships. An amendment to Part 2759 corrects a subsection number.

Questions/requests for copies of the 5 ISAC rulemakings above: Lynn Hynes, ISAC, 1755 Lake Cook Rd., Deerfield IL 60015, 847/948-8500, ext. 2216, Fax 847/831-8327, e-mail: lhynes@isac.org

DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to "Issuance of Licenses" (92 Ill Adm Code 1030; 33 Ill Reg 4559), effective 6/29/09, to implement Public Act 95-894. The rulemaking reflects a new provision in the Illinois Vehicle Code, effective 1/1/09, that allows SOS to suspend for 6 to 12 months or revoke the license of a driver under age 21 who commits a

moving traffic violation after already having his or her license suspended or revoked and reinstated previously. (Previous rule allowed SOS to impose a suspension of 3 months upon such drivers for offenses involving underage consumption or possession of alcohol.) The amendment applies the penalty previously in rule to offenses occurring prior to 1/1/09 and the newer penalty to offenses occurring on or after 1/1/09.

SOS also adopted amendments to "Cancellation, Revocation or Suspension of Licenses or Permits" (92 Ill Adm Code 1040; 33 Ill Reg 4283), effective 6/25/09, that implement a provision of Public Act 95-894, which requires SOS to suspend an individual's driver's license if he or she is convicted of improperly approaching or passing a stationary emergency vehicle that is flashing red, white, blue, amber, or yellow lights if the violation results in property damage, death, or personal injury to another individual. Previous rules required suspension of the individual's driving privileges regardless of whether the violation resulted in property damage, death, or personal injury. The rulemaking also reflects a new provision in the Illinois Vehicle Code that allows SOS to suspend for 6 to 12 months or revoke the license of a driver under age 21 who commits a moving traffic violation after already having his or her license suspended or revoked and reinstated previously. (Previous rule allowed SOS to impose a suspension of 3 months upon such drivers for offenses involving underage consumption or possession of alcohol.) The amendment applies the penalty previously in rule to offenses occurring prior to 1/1/09 and the newer penalty to offenses occurring on or after 1/1/09.

Questions/requests for copies of the 2 SOS rulemakings above: Arlene J. Pully, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

☞ CAMPAIGN FINANCE REPORTS

The STATE BOARD OF ELECTIONS

New Regulations

adopted emergency amendments to "Campaign Financing" (26 Ill Adm Code 100; 33 Ill Reg 9809), effective 6/29/09, for a maximum of 150 days. A companion, but not identical, proposed rulemaking is published at 33 Ill Reg 9597. Public Act 95-1038 authorizes use of this emergency rulemaking by the Board to establish a paper-based business registration system until the electronic registration requirements of the ethics legislation of 2008 are established by the Board in accordance with Public Act 95-971. (This week's emergency rulemaking is a follow-up on emergency rules that became effective on 1/1/09 at 33 Ill Reg 332.) P.A. 95-971 (also known as the "pay-to-play" or ethics reform bill) prohibits executive branch constitutional officers (Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer) or declared candidates for these offices from accepting campaign contributions from businesses with State contracts, bids, or proposals awarded by those offices in excess of \$50,000 in the aggregate. The Act requires entities doing business with the State to obtain a certificate of registration from the Board. The emergency rulemaking requires business entities that register with the Board (those with State contracts or pending bids/proposals over \$50,000) to submit their registration on paper in the form specified in the emergency rulemaking or by e-mail using a portable document

format (PDF) attachment until the electronic registration outlined in both the emergency and the proposed rulemakings and required by the Election Code is ready. A transmitted form must contain the scanned original signature of the authorized business representative. The Board will time stamp a registration and provide an e-mail or mailed certificate of registration for submission to the chief procurement officer for the State agency at which the contract is being sought within 2 days after receipt of the registration form by the Board. Provisions carried over from the original 1/1/09 emergency rulemaking include: a business's duty to update registration information and notify political committees to which the business firm has donated funds of its registration status, Election Code violation and penalty provisions, and the minimum information required in registrations under the present transitional registration system. Both the emergency and proposed rulemakings require registrants to submit an electronic registration to the Board within 60 days after the electronic system is established by the Board and include an expanded list of defined terms (e.g., executive employee, minor child, political committee). The Board will send a notice to registrants informing them of the new electronic system that will be accomplished by one of two methods: (1) a web-based system through which information may be entered, saved, and transmitted, with any necessary changes made by a program con-

tained on the Board's website or (2) a format provided by the Board designed specifically for large entities through data that may be submitted in lieu of the web-based option. Expanded provisions under both rulemakings specify registration information required under the electronic registration system. Business entities required to register must, within 10 days of registration, inform their affiliated entities of their registration. Political committees receiving a contribution from a registered business must be informed of the registration at the time of the contribution. Affiliated persons of a business entity who make a contribution to a political committee also must notify the committee of their registration status. Bids submitted and contracts executed after 1/1/09 must contain the registration with the Board. Changes of registration information must be reported within Board-specified deadlines. Non-compliance civil penalties up to \$5,000 are prescribed. These rulemakings will impact businesses that have or seek State contracts. (For a related rulemaking, see the Department of Central Management Services adopted rulemaking above.)

Questions/requests for copies/comments concerning the proposed rulemaking until 8/24/09: Steve Sandvoss, SBEL, 1020 S. Spring St., Springfield IL 62708, 217/557-9939. e-mail: Ssandvoss@elections.state.il.us

Proposed Regulations

tended family, and transport the child for treatment and services. Caregivers are required to complete 12 hours of training per year on caring for children who require specialized care. Such care is individualized and incorporates assessment findings into the treatment and service planning. The

CAYIT or DCFS clinical staff make recommendations for the child's services and treatment to maintain his or her current placement. The rulemaking also provides for continued monitoring and ongoing review during administrative case reviews and quarterly treatment planning cycles. Additional amendments specify that children who have

been adopted or who are in subsidized guardianships may also be eligible to receive services similar to specialized foster care services based upon recommendations of the Department's post-adoption committee. In addition, the rulemaking clarifies what information caseworkers may release to

Proposed Regulations

prospective adoptive parents, parents, foster parents, or other caregivers; establishes time frames under which the information is provided; and requires the caseworker to obtain a signed receipt from the party receiving the information. The rulemaking adds the following items to the information that must be provided: any special education services provided to the child and his or her individual education plan (IEP); the child's current visitation arrangements; and specific examples of destructive behaviors, such as fire-setting, sexual abuse, or substance abuse if the child has a history of such behavior. Caregivers are also required to provide the court-appointed guardian with the same information as provided to the requesting parties, including the signed receipt. In the case of an emergency placement, such information must be provided verbally and then in writing within 10 days after placement.

Questions/requests for copies/comments through 8/24/09: Jeff Osowski, DCFS, 406 E. Monroe, Station #65-D, Springfield IL 62701-1498, 217/

524-1983, TTY 217/524-3715, Fax 217/557-0692, e-mail: cfpolicy@idcfs.state.il.us

DRIVERS' TRAINING SCHOOL

The SECRETARY OF STATE proposed amendments to "Commercial Driver Training Schools" (92 Ill Adm Code 1060; 33 Ill Reg 9560). The rulemaking revises the Part's definitions to more closely reflect federal regulations and Illinois statute, revises several statutory references, and makes nonsubstantive corrections throughout the rulemaking. Driver's license training school licensure applicants' good moral character provisions are revised to add misdemeanor convictions as a bar to licensure and strike the opinions of community members concerning the school owner from the list of criteria considered for the licensure determination. SOS prohibits owners of driver training schools that provide motorcycle instruction from issuing Department of Transportation rider education course completion cards. The rulemaking also requires driver training school owners to maintain student

instruction records, and driver training schools that keep incomplete records will be deemed to have not provided the required driver training instruction. Further amendments prohibit driver training schools from advertising the use of training locations that are not currently licensed. Teen-accredited driving schools are required to submit a permit cancellation request to SOS for any teenage student possessing an instruction permit who withdrew from, or did not complete, a driver training course. Driver training schools are prohibited from enrolling any students who will not be 15 years old prior to the end of the classroom portion of a driver training course, and only one classroom course may be taught in a classroom at a time. Commercial driver training schools may be impacted by this rulemaking.

Questions/requests for copies/comments through 8/24/09: Arlene J. Pulley at the SOS address and telephone number above.

Second Notices

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The Illinois Commerce Commission rulemaking will be considered at JCAR's July 14, 2009 meeting in Springfield and the Department of Public Health rulemaking will be considered at the August 18, 2009 meeting.

ILLINOIS COMMERCE COMMISSION

"Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities" (83 Ill Adm Code 590) proposed 3/20/09 (33 Ill Reg 4280)

DEPARTMENT OF PUBLIC HEALTH

"Ambulatory Surgical Treatment Center Licensing Requirements" (77 Ill Adm Code 205) proposed 1/23/09 (33 Ill Reg 1425)

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